

Appendix C:

Instructions for Completing

Contractor's Performance Report

INSTRUCTIONS AND GUIDELINES FOR CONTRACTOR'S PERFORMANCE REPORT

POLICY STATEMENT:

The Kentucky Transportation Cabinet (KyTC) requires that a Contractor's Performance Report form be completed for every contractor on every project. Evaluations shall be performed in an objective, consistent and well-documented manner. The contractor's average performance rating (weighted by dollar amount of work performed) for the previous year will be used in the calculation of the contractor's Maximum Eligibility Amount. Utilizing the scores from the Contractor's Performance Report will provide incentive for the contractor to consistently perform at a high level of quality.

AUTHORITY:

Kentucky Revised Statutes 176.130 through 176.220
Kentucky Revised Statutes 45A.245
Kentucky Revised Statutes 176.909-176.110
Rules and Regulations Relating to the Prequalification of Contractors

SCOPE:

The revised Quality-Based Prequalification Process became effective January 1, 2002.

Every contractor, or subcontractor, shall be furnished a copy of the completed Contractor's Performance Report for every project for which work has been performed. In the event of multi-year projects, evaluations will be completed at the end of each year, as well as the end of the project, and a copy will be sent to the contractor.

For projects completed within one calendar year, complete a Contractor Performance Report for every contractor and subcontractor who has performed work on the project. For multi-year projects, submit a Contractor Performance Report for contractors who have performed a substantial amount of work within the previous year. Each performance evaluation will represent the quality of the contractor's performance during the previous time period.

If a subcontractor performs only a minimal amount of work within a calendar year, it is not necessary to complete a Contractor's Performance Report for that given year.

RESPONSIBILITIES:

At the Pre-Construction Meeting, the Resident Engineer shall provide the contractor with a blank copy of the Contractor's Performance Report. This will provide the contractor with a detailed explanation of what level of performance is expected throughout the course of the project.

A Contractor's Performance Report will be completed at the completion of every project, once *all* (including punch lists, final clean-up, etc.) work has been completed, to reflect the quality of the contractor's performance on the given project.

For projects spanning more than one calendar year, a notice will be sent at the end of the year to remind Resident Engineers that Contractor Performance Reports must be completed and submitted for all current projects.

Once an evaluation has been completed, the Resident Engineer shall sign and date the evaluation and submit it to the Chief District Engineer for review, who then shall sign and date the completed evaluation. After the Resident Engineer and the Chief District Engineer have signed the completed evaluation, it shall be sent to the contractor with an appeal application.

COMPLETING THE CONTRACTOR'S PERFORMANCE REPORT:

Use E-Forms TC 14-19 available on KYTC-eforms site.

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The Resident Engineer shall complete all contract specific information (i.e.- Contractor Name, Contractor Vendor ID, Project Name, PCN, etc.) so the evaluation data may be properly stored.

The evaluation portion of the Contractor's Performance Report consists of two sections. The first deals with work performance issues, while the second addresses project management and administration topics. The Resident Engineer shall complete both sections for all evaluations, and all questions shall be completed or marked "N/A" if the topic is not relevant.

Each questions consists of a topic, five (5) descriptors, and a section for write in comments. The Resident Engineer shall choose the descriptor that best fits the contractor's performance with respect to the topic. Ratings of "1", "2", "3" and "5" require supporting comments, but comments are always encouraged.

Note on Rework: There has been some concern over the term "rework" used in the evaluation process. This refers to major work produced by a contractor that was so

unsatisfactory that it had to be removed and done over. This does not refer to minor corrections to work or to minor punch list operations.

TIMELINESS:

For “end-of-project” evaluations, the Resident Engineer has ten (10) business days to submit the completed Contractor’s Performance Report to the Chief District Engineer. The Chief District Engineer then has ten (10) business days to review the Contractor’s Performance Report and have it sent to the contractor with the appeal application.

For projects spanning one calendar year, an “annual” evaluation is required. The Resident Engineer will receive a notice that “end-of-year” evaluations are to be completed and submitted to the Chief District Engineer by December 31st of that year.

APPEALS PROCESS:

An appeal application shall accompany every completed Contractor’s Performance Report that is sent to the contractor. This appeal form will give the contractor the opportunity to object to a given rating by explicitly detailing the cause for the objection. The contractor has ten (10) business days to submit the completed appeal application with the original Contractor’s Performance report to the Chief District Engineer.

It is the responsibility of the Chief District Engineer to address the appeal within ten (10) business days upon receipt of the appeal, and to settle the matter between the Resident Engineer and the contractor. The ruling on the appeal will be conducted at the district level, and the final Contractor’s Performance Rating will then be sent to the State Prequalification Committee at the central office in Frankfort, KY.

PREQUALIFICATION COMMITTEE:

The State Prequalification Committee will gather, store, and use the information collected from the Contractor’s Performance Reports completed throughout the year to assist in determining a contractor’s Maximum Eligibility Amount. During this process the committee may review individual Contractor Performance Reports for clarification or justification.